

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

**ROBERT POTE, Individually and on behalf
of All Others Similarly Situated,**

Plaintiff,

-against-

No. 15 Civ. 144 (WFK) (RER)

**CENTRAL CONSTRUCTION
MANAGEMENT, LLC, BZ
CONSTRUCTION SERVICES, LLC,
MICHAEL DIFONZO, GREGORY
KALAMARAS, and FRANK MADAR,
Jointly and Severally,**

Defendants.

**STIPULATION AND [PROPOSED] ORDER CONDITIONALLY CERTIFYING A FAIR
LABOR STANDARDS ACT COLLECTIVE ACTION AND AUTHORIZING NOTICE
TO BE ISSUED TO ALL PERSONS SIMILARLY SITUATED**

THIS MATTER came before the Court on the parties' Stipulation Conditionally Certifying a Fair Labor Standards Act Collective Action and Authorizing Notice to be Issued to All Persons Similarly Situated and related relief, and the Court, having reviewed the said Stipulation, and the Proposed Notice and Consent Forms in English and Spanish,

IT IS HEREBY STIPULATED, CONSENTED AND AGREED that:

1. The collective action notice entitled "NOTICE OF LAWSUIT WITH OPPORTUNITY TO JOIN" and the "CONSENT TO BECOME A PARTY PLAINTIFF," attached to this Stipulation as Exhibit A and Exhibit B, respectively, are hereby approved for mailing to potential plaintiffs; and

2. The conditional collective class of potential plaintiffs in this matter shall consist of all current and former drivers, foremen, junior project managers, laborers and warehouse employees who worked for Defendants at any time on or after January 12, 2012 to _____. [Insert date of this Order]; and

3. Defendants shall provide to Plaintiff, within twenty (20) days following the date of this Order, the names, addresses, phone numbers and email addresses of all potential plaintiffs who worked in the above positions from on or after January 12, 2012 to _____. [Insert date of

this Order] This information shall be supplied in paper form, and also digitally in one of the following formats: Microsoft Excel; or Microsoft Word.

4. Plaintiff shall mail the notice of collective action to all potential plaintiffs no later than ten (10) days following Defendants' disclosure of the contact information for the potential plaintiffs; and

5. Defendants that currently have a place of business shall post the "NOTICE OF LAWSUIT WITH OPPORTUNITY TO JOIN," and the "CONSENT TO BECOME A PARTY PLAINTIFF" form, attached to this Stipulation as Exhibit A and Exhibit B, respectively, at Defendants' main offices, warehouses and job sites in a location visible to all of Defendants' employees; and

6. Plaintiff is permitted to mail the "DEADLINE REMINDER LETTER" in the form attached to this Stipulation as Exhibit C to all potential plaintiffs prior to the termination of the opt-in period; and

7. All potential plaintiffs must opt-in no later than 60 days after the date of the mailing of the notice, by returning the executed form entitled "CONSENT TO BECOME A PARTY PLAINTIFF" to Plaintiff's counsel so it is received by Plaintiff's counsel before that date. Plaintiff's counsel shall thereupon promptly file such executed consents with the Court.

By: _____ s/
Kevin M. Doherty, Esq.
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By: _____ /s/
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DATED this __day of _____, 2015

SO ORDERED:

HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE